

On March 10, 1927, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

W. M. JARDINE, *Secretary of Agriculture.*

**15294. Adulteration and misbranding of preserves and jellies. U. S. v. 228 Cases of Raspberry Preserves, et al. Consent decrees of condemnation and forfeiture. Products released under bond. (F. & D. Nos. 21026, 21047. I. S. Nos. 12182-x to 12189-x, incl., 12221-x to 12225-x, incl. S. Nos. C-5071, C-5076.)**

On April 20, and April 28, 1926, respectively, the United States attorney for the Eastern District of Michigan, acting upon reports by the Secretary of Agriculture, filed in the District Court of the United States for said district libels praying seizure and condemnation of 1,039 cases of preserves, and 548 cases of jellies, remaining in the original unbroken packages at Detroit, Mich., alleging that the articles had been shipped by McNeil & Co., from Carpentersville, Ill., in part September 8, 1925, and in part December 28, 1925, and transported from the State of Illinois into the State of Michigan, and charging adulteration and misbranding in violation of the food and drugs act as amended. The preserves were labeled in part: (jars) "Pure Raspberry (or "Strawberry," or "Peach," or "Pineapple," or "Cherry," or "Loganberry") Preserves." The jellies were labeled in part: (jars) "Contents 6 Ozs. Sunny-Banks Brand Strawberry (or "Raspberry," or "Currant," or "Grape," or "Crabapple") Apple Pectin Jelly."

It was alleged in the libel that the preserves were adulterated, in that the above mentioned fruit preserves, with added tartaric acid, had been substituted for pure raspberry, (or other fruit) preserves, which the labels represented the articles to be.

Misbranding of the said preserves was alleged for the reason that the designations "Pure Raspberry (or other fruit) Preserves," borne on the labels, were false and misleading and deceived and misled the purchaser, when applied to preserves containing added tartaric acid.

Adulteration of the jellies was alleged for the reason that a substance, pectin, had been mixed and packed with the articles so as to reduce, lower, or injuriously affect their quality and strength, for the further reason that substances, pectin jellies colored with fruit juices and acidified with tartaric acid, had been substituted wholly or in part for the articles, and in that they had been colored in a manner whereby damage and inferiority were concealed.

Misbranding of the jellies was alleged for the reason, that the statements "Strawberry (or other fruit) Apple Pectin Jelly" were false and misleading and deceived and misled the purchaser, and for the further reason that they were imitations of and offered for sale under the distinctive names of other articles. Misbranding of the raspberry, strawberry, and crabapple jellies was alleged for the further reason that they were food in package form and the quantity of the contents was not plainly and conspicuously marked on the outside of the packages, and in that the statement "Contents 6 Ozs." was false and misleading and deceived and misled the purchaser.

On May 27, and June 17, 1926, respectively, McNeil & Co., Carpentersville, Ill., claimant, having admitted the allegations of the libels and having consented to the entry of decrees, judgments of condemnation and forfeiture were entered, and it was ordered by the court that the products be released to the said claimant upon payment of the costs of the proceedings and the execution of bonds totaling \$2,000, conditioned in part that they be relabeled under the supervision of this department.

W. M. JARDINE, *Secretary of Agriculture.*

**15295. Adulteration of shell eggs. U. S. v. Otto Burtscher. Plea of guilty. Fine, \$50 and costs. (F. & D. No. 19731. I. S. No. 24626-v.)**

On July 24, 1926, the United States attorney for the Western District of Oklahoma, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against Otto Burtscher, Kaw, Okla., alleging shipment by said defendant, in violation of the food and drugs act, on or about June 27, 1925, from the State of Oklahoma into the State of Kansas, of a quantity of eggs which were adulterated. The article was labeled in part: "From Otto Burtscher Kaw, Okla."

Examination by this department of 3 half cases, or 540 eggs, showed 519, or 96.1 per cent, inedible eggs.

It was alleged in the information that the article was adulterated, in that it consisted in part of a filthy, decomposed, and putrid animal substance.

On May 9, 1927, the defendant entered a plea of guilty to the information, and the court imposed a fine of \$50 and costs.

W. M. JARDINE, *Secretary of Agriculture.*

**15296. Adulteration and misbranding of butter. U. S. v. 8 Tubs of Butter. Decree of condemnation and forfeiture entered. Product released under bond. (F. & D. No. 22013. I. S. No. 20035-x. S. No. 42.)**

On July 23, 1927, the United States attorney for the Eastern District of Pennsylvania, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying seizure and condemnation of 8 tubs of butter, remaining in the original unbroken packages at Philadelphia, Pa., consigned by J. D. Perry & Son, Tazewell, Va., alleging that the article had been shipped from Tazewell, Va., on or about July 20, 1927, and transported from the State of Virginia into the State of Pennsylvania, and charging adulteration and misbranding in violation of the food and drugs act.

It was alleged in the libel that the article was adulterated, in that a substance containing less than 80 per cent of butterfat had been mixed and packed therewith so as to reduce, lower, and injuriously affect its quality and strength, and had been substituted wholly or in part for the said article.

Misbranding was alleged for the reason that the article was an imitation of or offered for sale under the distinctive name of another article.

On July 28, 1927, Crawford & Lehman, Inc., Philadelphia, Pa., having appeared as claimant for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be released to the said claimant upon payment of the costs of the proceedings and the execution of a bond in the sum of \$500, conditioned in part that it be reconditioned under the supervision of this department.

W. M. JARDINE, *Secretary of Agriculture.*

**15297. Adulteration and misbranding of butter. U. S. v. 12 Tubs of Butter. Decree of condemnation and forfeiture entered. Product released under bond. (F. & D. No. 22006. I. S. No. 20022-x. S. No. 34.)**

On July 21, 1927, the United States attorney for the Eastern District of Pennsylvania, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying seizure and condemnation of 12 tubs of butter, remaining in the original unbroken packages at Philadelphia, Pa., consigned by the Zanesville Creamery Co., Zanesville, Ohio, alleging that the article had been shipped from Zanesville, Ohio, on or about July 15, 1927, and transported from the State of Ohio into the State of Pennsylvania, and charging adulteration and misbranding in violation of the food and drugs act as amended.

Adulteration of the article was alleged in the libel for the reason that a substance containing less than 80 per cent of butterfat had been mixed and packed therewith so as to reduce, lower, and injuriously affect its quality and strength, and had been substituted wholly or in part for the said article.

Misbranding was alleged for the reason that the article was an imitation of or offered for sale under the distinctive name of another article, and for the further reason that it was food in package form and the quantity of the contents was not plainly and conspicuously declared on the outside of the package.

On August 1, 1927, C. M. Drake, trading as C. M. Drake & Co., Philadelphia, Pa., having appeared as claimant for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be released to the said claimant upon payment of the costs of the proceedings and the execution of a bond in the sum of \$1,000, conditioned in part that it be reconditioned under the supervision of this department.

W. M. JARDINE, *Secretary of Agriculture.*

**15298. Adulteration and misbranding of butter. U. S. v. 13 Tubs of Butter. Decree of condemnation and forfeiture entered. Product released under bond. (F. & D. No. 22008. I. S. No. 20007-x. S. No. 22.)**

On July 14, 1927, the United States attorney for the Eastern District of Pennsylvania, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying seizure and condemnation of 13 tubs of butter, remaining in the original unbroken packages at Philadelphia, Pa., consigned by the Monticello Creamery, Culpepper, Va.,